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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,673

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Masaki Kaneda

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EXAMINER

MAWARI, REDHWAN K

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,673	Applicant(s) KANEDA ET AL.	
	Examiner REDHWAN MAWARI	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/11/2008, 8/15/2007, 10/19/2006, 8/16/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 7 is rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

Claim 7 fails to define a statutory process. A process consisting solely of mathematical operation does not manipulate appropriate subject matter and thus cannot constitute a statutory process. The claims as currently written appear to be drawn to process steps which fail to provide a tangible result. To be statutory there must be sufficient structural and functional interrelationships between what appears to be either a computer program or purely mental steps and other claimed elements (such as a computer or processor) which permit the functionality of a computer program (or mental steps) to be realized.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being unpatentable over Mannesmann (EP1 106 968 A1).

Consider claim 1, Mannesmann discloses a guide route search device, the device comprising:

a specification unit adapted to specify a plurality of locations which a user drops in before reaching a destination (abstract, and figure 4);

a calculation unit adapted to calculate an arrival time at each of the specified locations when successively visiting those locations in one of via-sequences while avoiding passing through congested places and/or places which may be congested in accordance with predetermined traffic information, the one

of via-sequences being any one of all possible routes via those locations (figure 2, 3, and 4);

a judgment unit adapted to judge whether the calculated arrival time of each location matches conditions for an arrival time at each location ([paragraph 0016], and figure 4); and

a selection unit adapted to select the via-sequence being an optimum route via the locations where the judgment unit has judged that the conditions are matched at all the specified locations, as a via-sequence of the guide route ([abstract]).

Consider claim 2, Mannesmann discloses the calculation unit comprises:

a determination part for determining a via-sequence of the specified plurality of via-locations (abstract);

a search part for searching a route between two consecutive locations in the via-sequence (col. 6, lines 54-57);

a re-search part for re-searching a route between the two locations when the searched route includes a congested place and/or a place which may be congested, so as to avoid the congested place and/or the place which may be congested ([paragraph 0016] and [paragraph 0017] and figure 4); Mannesmann doesn't explicitly disclose a re-search part, however Mannesmann discloses updating the travel plan based on various conditions; and

a time calculation part for calculating an arrival time at each of the locations, either based on a travel time between the two locations of a route

searched by the search part when the route searched by the search part does not include a congested place and/or a place which may be congested, or based on a travel time between the two locations of a route re-searched by the re-search part when the route searched by the search part includes a congested place and/or a place which may be congested (figure 2, 3, and 4);

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mannesmann (EP1 106 968 A1).

Consider claim 3, Mannesmann discloses a specification unit adapted to specify a plurality of locations (abstract, and figure 4);

a determination unit adapted to determine a via-sequence of the specified plurality of via-locations (abstract);

a search unit adapted to search a route between two successive locations in the via-sequence (col. 6, lines 54-57);

a first time calculation unit adapted to calculate an arrival time at each of the locations based on a travel time between the two locations in the route searched by the search unit (figure 2, 3, and 4);

a first judgment unit adapted to judge whether the arrival time of each location calculated by the first time calculation unit matches an arrival time condition at each location ([paragraph 0016], and figure 4);

a re-search unit adapted to re-search a route between the two locations when the route which has been judged by the first judgment unit to match the arrival time condition includes a congested place and/or a place which may be congested, so as to avoid the congested place and/or the place which may be congested ([paragraph 0016] and [paragraph 0017] and figure 4); Mannesmann doesn't explicitly disclose a re-search part, however Mannesmann discloses updating the travel plan based on various conditions

a second time calculation unit adapted to calculate an arrival time at each of the locations based on a travel time between the two locations in the route re-searched by the re-search unit; Mannesmann doesn't explicitly disclose a second time calculation unit; however it would have been obvious to an ordinary skilled person in the art to recognize that the time location unit can calculate the arrival time based on the first time inputs as well as the second time inputs i.e. research.

a second judgment unit adapted to judge whether the arrival time at each location calculated by the second time calculation unit matches the arrival time condition at each location, Mannesmann doesn't explicitly disclose a second

judgment unit; however it would have been obvious to an ordinary skilled person in the art to recognize that the time location unit can calculate the arrival time based on the first time inputs as well as the second time inputs i.e. research; and a selection unit adapted to select as the via-sequence of a guide route a single via-sequence from the via-sequences where the first judgment unit has judged that the conditions are matched at all the locations specified and which do not include congested places and/or places which may be congested, and from via-sequences where the second judgment unit has judged that the conditions are matched at all the locations specified ([abstract]).

Consider claim 4, Mannesmann discloses wherein the second time calculation unit operates so as to generate arrival times for all the selected locations whenever a travel time between the two locations is computed (figure 2, 3, and 4), and

the judgment unit operates so as to judge whether the arrival time of each location generated by the time calculation unit matches the arrival time condition at each location whenever a travel time between the two locations is computed ([paragraph 0016], and figure 4).

Consider claim 5, Mannesmann discloses wherein the first judgment unit operates so as to judge whether the arrival time at each location calculated by the first time calculation unit matches a guide time slot at each location ([paragraph 0016], and figure 4);

the second judgment unit operates so as to judge whether the arrival time at each location calculated by the second time calculation unit matches a guide time slot at each location, Mannesmann doesn't explicitly disclose a second judgment unit; however it would have been obvious to an ordinary skilled person in the art to recognize that the time location unit can calculate the arrival time based on the first time inputs as well as the second time inputs i.e. research; and

the re-search unit operates so as to re-search a route between the two locations in which the arrival times at a portion of or all of the locations are judged by the first judgment unit to be earlier than the respective guide time slots thereof, and when the route includes congested places and/or places which may be congested for via-sequences where the arrival times of the remaining locations match the respective guide time slots thereof, re-searches a route between the two locations so as to avoid the congested places and/or the places which may be congested ([paragraph 0016] and [paragraph 0017] and figure 4); Mannesmann doesn't explicitly disclose a re-search part, however Mannesmann discloses updating the travel plan based on various conditions.

Consider claim 6, Mannesmann discloses the method comprising the steps of:

specifying a plurality of locations which a user drops in before reaching a destination ([paragraph 0002]);

calculating the arrival time at each of the specified locations when successively visiting those locations in one via-sequences ([paragraph 0011,

Art Unit: 3663

0016]) while avoiding passing through congested places and/or places which may be congested in accordance with predetermined traffic information, the one of via-sequences being any one of all possible routes via those locations ([paragraph 0018]); Mannesmann doesn't explicitly disclose predetermined traffic information, however it would have been obvious to an ordinary skilled person in the art to recognize that the traffic information would be predetermined prior to transmitting it to users.

judging whether the calculated arrival time of each location matches conditions for an arrival time at each location ([paragraph 0011]); and

selecting the via-sequence being an optimum route via the locations wherein it has been judged by the judging step that the conditions are matched at all the specified location, as a via-sequence of the guide route ([paragraph 0009]).

Consider claim 7, claim 7 is rejected using the same art and rationale used to reject claim 6.

Note: Claims 1-5 recite that the statements "adapted to", "operate", "wherein", etc. performs a function is not a positive limitation but only requires the ability to so perform. It doesn't constitute a limitation in any patentable sense.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Redhwan Mawari whose telephone number is 571 270 1535. The examiner can normally be reached on 7:30 AM - 5PM Mon-Fri Eastern Alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

06/30/2008

Redhwan Mawari
/Redhwan Mawari/

Examiner, Art Unit 3663

/Tuan C To/

for Mawari, Redhwan, Examiner of Art